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7 **IN THE SUPREME COURT**

8 **STATE OF ARIZONA**

9 **In the Matter of:**

Supreme Court No.: R-09-0044

10 **PETITION TO AMEND**
11 **RULES 46-74, RULES OF THE**
12 **SUPREME COURT**

Comment of the Pima County Bar
Association on AMENDED Petition to
Amend Rules 46-74, Rules of the
Supreme Court

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14 The Pima County Bar Association (PCBA) respectfully submits the following
15 comments and recommendations concerning the Amended Petition to Amend Rules
16 46-74, Rules of the Supreme Court.

17 The PCBA again would like to thank the Attorney Discipline Task Force and
18 its individual members for their time and efforts in drafting the proposed rule
19 changes concerning attorney discipline and considering the various filed comments,
20 including those of the PCBA.

21 For the reasons set forth previously, the PCBA would encourage the Court to
22 make the following changes before promulgating the final rules:

23 1. Provide that the Presiding Disciplinary Judge (PDJ) be appointed for a
24 term of years, with the possibility of reappointment for an additional term after a
25 thorough performance review;

26 2. Provide that the PDJ may not serve more than a specified number of
years, e.g., more than two terms of service;

3. Provide that the six attorney members of the Attorney Discipline Probable Cause Committee be comprised of two attorneys from Maricopa County, two attorneys from Pima County, and two attorneys from a county or counties other than Maricopa and Pima County; and

4. Provide that under proposed Rule 52(a) that when possible, the volunteer attorney member and the volunteer public member should come from the county in which the hearing will be held.

The PCBA would also urge the Court to consider further changes relating to public access to disciplinary records so as to bring Arizona's approach to public access more in line with Colorado's approach.

We believe the proposed rules provide an effective system, which if staffed appropriately, can achieve the goals set forth in Administrative Order No. 2009-73, as well as benefit the Court, the State Bar, and the public.

Therefore, the PCBA respectfully requests the Court adopt the foregoing changes to the Amended Petition.

RESPECTFULLY SUBMITTED this 19 day of May, 2010.

By Joey A. Flynn
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Electronic copy filed
with the Clerk of the Supreme
Court of Arizona this 20th day
of May, 2010.

By: JAR